

NC 1506 **AUTHORIZATION, ALLOTMENT, USE OF FUNDS, AND**
AUTHORIZATION OF APPROPRIATIONS

NC 1506-1 **Allotments, Grants, and Use of Funds**

NC 1506-1.1 **Grants to States**

- (a) Purpose of grants. The Secretary makes grants to States, outlying areas, and freely associated States (as defined in NC 1506-2.11), and provides funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with Part B of the IDEA.
- (b) Maximum amount. The maximum amount of the grant a State may receive under section 611 of the Act is--
 - (1) For fiscal years 2005 and 2006--
 - (i) The number of children with disabilities in the State who are receiving special education and related services--
 - (A) Aged three through five, if the State is eligible for a grant under section 619 of the IDEA; and
 - (B) Aged six through 21; multiplied by--
 - (ii) Forty (40) percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and
 - (2) For fiscal year 2007 and subsequent fiscal years--
 - (i) The number of children with disabilities in the 2004-2005 school year in the State who received special education and related services--
 - (A) Aged three through five if the State is eligible for a grant under section 619 of the IDEA; and
 - (B) Aged six through 21; multiplied by
 - (ii) Forty (40) percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States;
 - (iii) Adjusted by the rate of annual change in the sum of--
 - (A) Eighty-five (85) percent of the State's population of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of FAPE under Part B of the IDEA; and
 - (B) Fifteen (15) percent of the State's population of children described in paragraph (b)(2)(iii)(A) of this section who are living in poverty.

(Authority: 20 U.S.C. 1411(a) and (d); 34 CFR 300.700)

NC 1506-1.2 **Allocations to States**

- (a) General. After reserving funds for technical assistance, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior for a fiscal year, the Secretary allocates the remaining amount among the States in accordance with paragraphs (b), (c), and (d) of this section.
- (b) Special rule for use of fiscal year 1999 amount. If a State received any funds under section 611 of the IDEA for fiscal year 1999 on the basis of children aged three through five, but does not make FAPE available to all children with disabilities aged three through five in the State in any subsequent fiscal year, the Secretary computes the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (c) or (d) of this section, by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.